

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

ALL ACTIONS

Judge Patti B. Saris

**[PROPOSED] ORDER REGARDING PLAINTIFFS' EMERGENCY MOTION TO
COMPEL SCHERING PLOUGH TO PRODUCE DOCUMENTS AND DATA
UNDERLYING THE CRIMINAL PLEA AND SETTLEMENT AGREEMENT**

Saris, U.S.D.J.

After reviewing the submissions, I order as follows:

- (1) The Plaintiffs' Emergency motion to Compel Schering-Plough to Produce Documents and Data Underlying The Criminal Plea And Settlement Agreement is GRANTED.
- (2) Schering-Plough should produce the responsive documents in a format that is accessible and readable.
- (3) Schering-Plough should also produce a Fed. R. Civ. P. 30(b)(6) witness or witness(es) in response to Plaintiffs' outstanding notice.

(4) In the alternative, if Schering-Plough contends that all responsive documents have been previously produced in this matter, Schering-Plough may identify the location of all such documents.

IT IS SO ORDERED.

DATED: _____

Hon. Patti B. Saris
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **[PROPOSED] ORDER REGARDING PLAINTIFFS' EMERGENCY MOTION TO COMPEL SCHERING PLOUGH TO PRODUCE DOCUMENTS AND DATA UNDERLYING THE CRIMINAL PLEA AND SETTLEMENT AGREEMENT** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on September 22, 2006, a copy to LexisNexis File and Serve for Posting and notification to all parties

By /s/ Steve W. Berman
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